

AMENDED IN SENATE SEPTEMBER 8, 2003

AMENDED IN SENATE JULY 15, 2003

AMENDED IN ASSEMBLY JUNE 3, 2003

AMENDED IN ASSEMBLY MAY 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1507

Introduced by Assembly Member Negrete McLeod

February 21, 2003

~~An act to amend Section 7901 of the Labor Code, relating to employment.~~ *An act to add Chapter 28.5 (commencing with Section 22928) to Division 8 of the Business and Professions Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1507, as amended, Negrete McLeod. ~~Amusement rides~~
Intermodal marine equipment: detention and per diem charges.

Existing law imposes special regulations on various business activities, but does not specifically regulate detention and per diem charges imposed by intermodal marine terminals on intermodal equipment used by motor carriers.

This bill would require a per diem or detention charge assessed by or on behalf of a steamship line or intermodal marine terminal operator that provides intermodal equipment on an intermodal motor carrier between September 15, 2002, and February 1, 2003, to be waived, or reimbursed with interest, if the assessed charge has been collected. The

bill would declare the intent of the Legislature for the waiver and reimbursement provisions to apply retroactively.

~~The existing Amusement Rider Safety Law provides for the inspection of, and issuance of permits for, amusement rides, as defined, and makes it a misdemeanor for an owner or operator of any amusement ride to fail to comply with that law.~~

~~This bill would restrict the definition of the term “amusement ride” to rides that are transportable. This bill would also modify the definition of the term “amusement ride” to expressly include rides owned or operated by traveling carnivals, as defined.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 7901 of the Labor Code is amended to~~
 2 *SECTION 1. Chapter 28.5 (commencing with Section 22928)*
 3 *is added to Division 8 of the Business and Professions Code, to*
 4 *read:*

5
 6 *CHAPTER 28.5. INTERMODAL MARINE TERMINALS*

7
 8 *22928. As used in this chapter:*

9 *(a) “Per diem” or “detention” means a charge for the late*
 10 *return of an empty intermodal container and chassis.*

11 *(b) “Intermodal marine terminal” means a terminal located at*
 12 *a port facility that engages in the loading and unloading of the*
 13 *cargo of oceangoing vessels.*

14 *22929. (a) A per diem or detention charge assessed by or on*
 15 *behalf of a steamship line or intermodal marine terminal operator*
 16 *that provides intermodal equipment on an intermodal motor*
 17 *carrier for the period commencing September 15, 2002, and*
 18 *terminating on February 1, 2003, inclusive, shall be waived.*

19 *(b) A per diem or detention charge assessed by or on behalf of*
 20 *a steamship line or intermodal marine terminal operator that*
 21 *provides intermodal equipment on an intermodal motor carrier for*
 22 *the period commencing September 15, 2002, and terminating on*
 23 *February 1, 2003, inclusive, and subsequently collected, shall be*
 24 *reimbursed to the intermodal motor carrier with interest.*

(c) *It is the intent of the Legislature for this section to be applied retroactively as provided in subdivisions (a) and (b).*

read:

7901. ~~As used in this part:~~

(a) ~~“Amusement ride” means a transportable mechanical device which carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement.~~

~~“Amusement ride” includes rides owned or operated by traveling carnivals and the business of operating bungee jumping services or providing services to facilitate bungee jumping, but does not include slides, playground equipment, coin-operated devices or conveyances which operate directly on the ground or on the surface or pavement directly on the ground or the operation of amusement devices of a permanent nature. The division shall determine the specific devices which are amusement rides for the purposes of this part. This determination shall be made to apply equally to all operators of similar or identical rides and shall be made pursuant to a procedure promulgated by the standards board.~~

(b) ~~“Operator” or “owner” means a person who owns or controls or has the duty to control the operation of an amusement ride. It includes the state and every state agency, and each county, city, district, and all public and quasi-public corporations and public agencies therein.~~

(c) ~~“Permit” means a document issued by the division which indicates that an inspection of the ride has been performed pursuant to rules and regulations adopted by the division.~~

(d) ~~“Traveling carnival” means a person who owns or operates transportable rides, who transports, assembles, and disassembles those rides.~~